

Notice of Allowability

Application No.

09/980,804

Applicant(s)

OTVOS, LASZLO

Examiner

Art Unit

Hope A. Robinson

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/05.
2. ☒ The allowed claim(s) is/are 79,81-84,87,90-95,97-100,103-105,109,110,113,118,120-133,137,138,140,142,146,153,160,163,164,169-171,175-178,181 and 186.
3. ☒ The drawings filed on 03 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/12/05
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization of this Examiner's amendment was given in a telephone interview with Ms. Mary E. Bak on May 12, 2005.

3. The Claims have been amended as follows:

Please cancel claims 106 and 134.

Claim 79 (Currently Amended) A method of treating a ~~[[mammalian]]~~ bacterial infection comprising administering to a mammal having said infection an amount of a peptide of claim 140.

Claim 83 (Currently Amended) A pharmaceutical composition comprising ~~[[a]]~~ the peptide construct of claim 160 in a pharmaceutically acceptable carrier.

Claim 84 (Currently Amended) The peptide construct according to claim 160 wherein R^2 of each peptide is an amide of an alkanolic acid group and wherein each ~~[[said]]~~ peptide is linked to the other ~~[[said]]~~ peptide at ~~[[the]]~~ R^2 .

Claim 98 (Currently Amended) The peptide according to claim 142 wherein said R^1 is ~~[[a]]~~ 1-aminocyclohexane carboxylic acid ~~[[group]]~~.

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Claim 100 (Currently Amended) The peptide according to claim 153 wherein said R² amide is ~~[[the]]~~ an amide of β -acetyl-2,3-diamino propionic acid.

Claim 113 (Currently Amended) The peptide according to claim ~~[[143]]~~140, wherein said peptide is attached to a carrier.

Claim 137 (Currently Amended) **Delete** "the R² of one said peptide is" and **Insert** "one R² is " and **Delete** "and the R² of the other said peptide is" and **Insert** "and the other R² is".

Claim 153 (Currently Amended) The peptide according to claim 140, wherein said R² amide is an amide of ~~[[a]]~~ diaminocarboxylic acid.

Claim 160 (Currently Amended) **Delete** "least" in line two of the claim following "comprising" and **Delete** "Val" in line 18 of the claim following "consisting of".

Claim 169 (Currently Amended) The peptide construct according to claim 171, wherein said R¹ is ~~[[a]]~~ 1-aminocycloalkane carboxylic acid.

Claim 170 (Currently Amended) The peptide construct according to claim 169, wherein said R¹ is ~~[[a]]~~ 1-aminocyclohexane carboxylic acid.

Claim 175 (Currently Amended) The peptide construct according to claim 160, wherein said R² amide is an amide of ~~[[a]]~~ diaminocarboxylic acid.

Claim 176 (Currently Amended) The peptide construct according to claim 160, wherein said R² is an additional amino acid substituted with an amide of ~~[[a]]~~ diaminocarboxylic acid.

Claim 177 (Currently Amended) The peptide construct according to claim 160, wherein said R² is an additional amino acid substituted [[by]] with an amide of [[a]] diaminopropane carboxylic acid.

Claim 181 (Currently Amended) The peptide construct according to claim 160, which comprises [[said]] two peptides linked [[by attachment]] to one or more [[linked]] diaminocarboxylic acid groups.

Claim 186 (Currently Amended) A method of treating a [[mammalian]] bacterial infection comprising administering to a mammal having said infection an amount of a peptide of claim 160.

4. The Specification has been amended as follows:

(a) On page 1, line 1 of the specification, please insert the following replacement paragraph:

"This application is a 371 of PCT/US00/16989, filed June 21, 2000, which claims benefit of U.S. Provisional Application No. 60/154,135, filed September 15, 1999 and U.S. Provisional Application No. 60/140,606, filed June 23, 1999.

EXAMINER'S COMMENTS

5. The information disclosure statement filed April 29, 2005 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber, can be reached at (571) 272-0925.

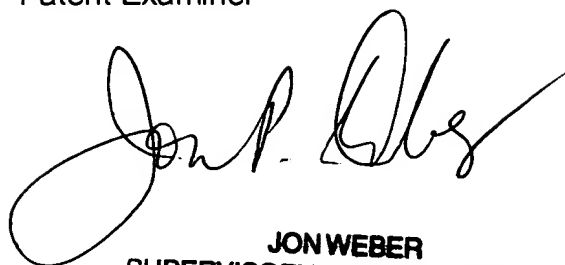
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hope Robinson, MS ^{WA}
5/13/05
Patent Examiner

A handwritten signature in black ink, appearing to read "Jon P. Weber", with a large, stylized loop at the beginning and a long horizontal stroke at the end.

JON WEBER
SUPERVISORY PATENT EXAMINER